

EXHIBIT 3

Case 1:15-cv-00382-HSO-JCG Document 96-11 Filed 02/15/17 Page 1 of 23
Gmail - [DMCA #1405990]: Automattic DMCA Notice <https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>



Foodvacation Canada <foodvacation@gmail.com>

[DMCA #1405990]: Automattic DMCA Notice

1 message

Phil - WordPress.com <dmca@automattic.com>
Reply-To: dmca@automattic.com
To: foodvacation@gmail.com

Fri, Dec 14, 2012 at 5:49 AM

>
> : foodvacation@gmail.com
> Email Address: foodvacation@gmail.com
> Location of copyrighted work (where your original material is located): now removed from publication
> previously located at <http://www.changemakers.com/stories/trout-point-lodge-making-change-happen-place-place>
>
> We have previously put Automattic on notice that it is continuing to host content for the Slabbed blog
despite an agreement not to do so pursuant to a court order from the Nova Scotia Supreme Court.
>
> Automattic continues to host the Slabbed blog or components of it.
> First Name: Charles
> Last Name: Leary
> Company Name: Trout Point Lodge
> Address Line 1: P.O. Box 456
> Address Line 2:
> City: Kemptville
> State/Region/Province: Nova Scotia
> Zip/Postal Code: B0W 1Y0
> Country: Canada
> Telephone Number: 9027612142
> Copyright holder you represent (if other than yourself): Charles Leary
> Please describe the copyrighted work so that it may be easily identified: Image of Charles Leary & Vaughn Perret
> <http://slabbed.files.wordpress.com/2011/09/leary-perret1.jpg?w=300>
> Location (URL) of the unauthorized material on a WordPress.com site (NOT simply the primary URL of the site - example.wordpress.com; you must provide the full and exact permalink of the post, page, or image where the content appears, one per line) : <http://slabbed.files.wordpress.com/2011/09/leary-perret1.jpg?w=300>
> If the infringement described above is represented by a third-party link to a downloadable file (e.g. <http://rapidshare.com/files/...>), please provide the URL of the file (one per line):
> I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.: Yes
> I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.: Yes
> Signed on this date of (today's date, MM/DD/YYYY): 12/13/2012
> Signature (your digital signature is legally binding): Charles L. Leary
>
> Time: Thursday December 13, 2012 at 11:41 pm
> IP Address: 24.222.222.18
> Contact Form URL: <http://automattic.com/dmca/>
> Sent by an unverified visitor to your site.



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Gmail - [DMCA #1405990]: Automatic DMCA Notice

<https://mail.google.com/mail/u/1/?ui=2&ik=9095a0ce87&view...>

Your DMCA Takedown Notice has been received and reviewed.

In accordance with the requirements set forth by the DMCA, we have disabled access to the material identified as infringing. Please note that notification of this has been sent to the publisher of the material. Upon his/her request, we will forward the notice's details and provide them an opportunity to formally challenge this removal. If the publisher decides to submit a counter-notice you will be notified immediately.

Thank you.

Phil

Happiness Engineer | WordPress.com

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Gmail - [DMCA #1407631]: Automattic DMCA Notice
<https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>



Foodvacation Canada <foodvacation@gmail.com>

[DMCA #1407631]: Automattic DMCA Notice

1 message

Elizabeth - WordPress.com <dmca@automattic.com>

Sat, Dec 15, 2012 at 7:52 PM

Reply-To: dmca@automattic.com

To: foodvacation@gmail.com

>
> : foodvacation@gmail.com
> Email Address: foodvacation@gmail.com
> Location of copyrighted work (where your original material is located): now removed from publication
> First Name: Charles
> Last Name: Leary
> Company Name: Trout Point Lodge of Nova Scotia
> Address Line 1: 189 Trout Point Rd.
> Address Line 2: P.O. Box 456
> City: Kemptville
> State/Region/Province: Nova Scotia
> Zip/Postal Code: B0W 1Y0
> Country: Canada
> Telephone Number: 9027612142
> Copyright holder you represent (if other than yourself): Charles Leary
> Please describe the copyrighted work so that it may be easily identified: image of Charles Leary & Vaughn Perret
> Location (URL) of the unauthorized material on a WordPress.com site (NOT simply the primary URL of the site - example.wordpress.com; you must provide the full and exact permalink of the post, page, or image where the content appears, one per line) : <http://slabbed.files.wordpress.com/2011/09/leary-perret.jpg>
>
> You continue to host material for the Slabbed blog in contravention of an agreement reached with me.
> If the infringement described above is represented by a third-party link to a downloadable file (e.g. <http://rapidshare.com/files/...>), please provide the URL of the file (one per line):
> I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.: Yes
> I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.: Yes
> Signed on this date of (today's date, MM/DD/YYYY): 14/12/2012
> Signature (your digital signature is legally binding): Charles L. Leary
>

Your DMCA Takedown Notice has been received and reviewed.

In accordance with the requirements set forth by the DMCA, we have disabled access to the material identified as infringing. Please note that notification of this has been sent to the publisher of the material. Upon his/her request, we will forward the notice's details and provide them an opportunity to formally challenge this removal. If the publisher decides to submit a counter-notice you will be notified immediately.

Thank you.

Elizabeth | WordPress.com

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Gmail - [DMCA #1407631]; Automatic DMCA Notice
<https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>

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Gmail - 2nd Notice DMCA Infringement

<https://mail.google.com/mail/u/0/?ui=2&ik=2be9277ecd&view...>



Trout Point <trout.point.lodge@gmail.com>

2nd Notice DMCA Infringement

1 message

Trout Point Lodge <trout.point.lodge@gmail.com>
To: abuse@dreamhost.com

31 December 2012 at 16:55

Subject: Notice of Copyright Infringement

There are 2 copyrighted works being infringed on slabbed.org, hosted by DreamHost. We have repeatedly given DreamHost notice of past violations by this web site involving these images.

The 1st copyrighted work at issue is the IMAGE that appears on:

<http://www.slabbed.org/2012/09/25/jefferson-parish-corruption-omnibus-today-aaron-broussard-put-his-hand-on-a-bible-and-admitted-he-is-a-filthy-sack-of-crap/>

and

<http://www.slabbed.org/2012/09/11/lets-talk-a-bit-more-about-aaron-broussards-evidence-of-other-crimes-involving-the-resort-at-trout-point-nova-scotia-and-the-use-of-slapp-suits-by-his-business-associates-in-canada/>

and

<http://www.slabbed.org/2011/09/08/slabbed-solves-the-mystery-on-the-shores-of-the-lusket-river-in-nova-scotia-as-we-reveal-the-trout-point-connection-to-the-jefferson-parish-political-corruption-scandal/>

The 2nd copyrighted work at issue is the IMAGE that appears on:

<http://www.slabbed.org/2012/12/04/wash-rinse-repeat-aaron-broussards-former-property-managers-in-canada-again-sue-slabbed-for-defamation-in-nova-scotia/>

The URLs where the 1st copyrighted Image appeared have now been removed from publication. Please see attached transfer of copyright to me from the Ashoka Foundation assigning me the rights over this image.

The URL where the 2nd copyrighted image appears is: <http://www.thestar.com/news/canada/article/1125508-mississippi-blogger-must-pay-a-gay-couple-425-000-in-damages-nova-scotia-court-orders>

WE WILL PURSUE LEGAL ACTION AGAINST DREAMHOST UNDER THE CANADA COPYRIGHT ACT IF THESE IMAGES--EITHER HOSTED OR EMBEDDED--ARE NOT REMOVED FROM INFRINGING PUBLICATION. THE UNITED STATES AND CANADA HAVE NUMEROUS TREATIES RECIPROCALLY PROTECTING COPYRIGHT. THERE IS NO CDA PROTECTION FOR PUBLISHING THESE INFRINGING WORKS.

You can reach me at trout.point.lodge@gmail.com for further information or clarification. My phone number is +1-902-761-2142 and my mailing address is Charles Leary, Trout Point Lodge, P.O. Box 456, Kemptville, NS B0W 1Y0 Canada.

The email address of the website owner, who has republished Trout Point Lodge's content illegally, is:

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Gmail - 2nd Notice DMCA Infringement

<https://mail.google.com/mail/u/0/?ui=2&ik=2bc9277ecd&view...>

earning04@gmail.com

Section 512 of the DMCA has a safe-harbor provision that relates to links you post to other online material located elsewhere or embedded material. This safe-harbor provision is found in section 512(d), and it states that an online service provider will not be held liable for money damages "for infringement of copyright by reason of the provider referring or linking users to an online location containing infringing material or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link." If DreamHost hosted this copyrighted material or hosted links to this image without knowing that it infringed copyright, the language of this section appears to relieve DreamHost of liability, as long as DreamHost did not have actual knowledge that the material it linked to/embedded is infringing, or know any surrounding facts that would make the infringement apparent; did not receive any financial benefit directly attributable to the infringing activity if DreamHost had the ability to control such activity; and if DreamHost now acts expeditiously to remove or disable access to the infringing material (such as by taking away the link/embedded image) upon obtaining knowledge or awareness that the material is infringing or upon receiving this properly drafted notice of infringement.

I have a good faith belief that use, linking, and/or embedding of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. By typing in my name below, I agree that this is my digital signature.

Charles L. Leary

--
Trout Point Lodge of Nova Scotia
www.troutpoint.com
Small Luxury Hotels of the World
online reservations

 [Copyright Assignment to Charles Leary.pdf](#)
574K

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Gmail - Court Order re: copyright <https://mail.google.com/mail/u/0/?ui=2&ik=2be9277ecd&view...>



Trout Point <trout.point.lodge@gmail.com>

Court Order re: copyright

2 messages

Trout Point Lodge <trout.point.lodge@gmail.com>
To: abuse@dreamhost.com

17 February 2014 at 19:37

DreamHost, LLC
New Dream Network, LLC

I am the copyright owner or agent of the copyright owner in 4 creative works currently being published in violation of copyright at www.slabbed.org, which is hosted by DreamHost. This includes telecommunication of the infringing works into Canada. This includes use of a copyrighted work in an infringing derivative work.

The creative works in question are described in paragraphs 21-24 of the attached judgement from the Supreme Court of Nova Scotia, issued on February 14, 2014. All 4 works are registered with the Intellectual Property Office of Canada. DreamHost's telecommunications into Canada subject you to Canadian jurisdiction.

I have previously given Dream Host notice of infringement. I now have a Court Order identifying the works as mine and identifying Douglas Handshoe as violating my copyright.

Two of the works are being infringed at slabbed.org by what the Digital Millennium Copyright Act identifies as "transitory digital network communications" (§ 512(a)). That is, Douglas Handshoe is deep linking to material hosted on third party web sites. This violates the DMCA in the same way as actually hosting the images does. (DMCA attached)

DreamHost has a safe harbor under § 512(a) only if you disable such deep linking. The images are hosted by Expedia, Ashoka Changemakers, and the Toronto Star web sites with permission. Another image is hosted by the Frank Magazine web site without permission. The Terms of Service of Expedia, Ashoka, and the Toronto Star forbid deep linking to their content, which is copyrighted.

The URLs of the 3 infringing images currently hosted by DreamHost are:

<http://www.slabbed.org/wp-content/uploads/2011/09/leary-perret1.jpg>

<http://www.slabbed.org/wp-content/uploads/2012/01/abel-leary-perret.jpg>

<http://www.slabbed.org/wp-content/uploads/2013/05/Trout-Point-Lodge-Disorder-in-the-court.jpg>

The pages on slabbed.org where the embedded images appear are:

<http://www.slabbed.org/2013/03/30/a-day-in-the-life-of-trout-point-lodgers-chuck-and-vaughn/>

<http://www.slabbed.org/2013/12/02/the-heart-of-the-matter-exhibits-f-g/>

<http://www.slabbed.org/2012/01/29/hell-likely-be-remembered-here-for-being-a-part-of-the-gang-that-made-the-times-picayune-eat-its-own-big-toe/>

<http://www.slabbed.org/2012/12/04/wash-rinse-repeat-aaron-broussards-former-property-managers-in-canada-again-sue-slabbed-for-defamation-in-nova-scotia/>

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Gmail - Court Order re: copyright <https://mail.google.com/mail/u/0/?ui=2&ik=2be9277cc&view...>

I have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law. I certify that the information in this notification is accurate, and under penalty of perjury, that I am the owner of the photograph in question.

My name below serves as my digital signature.

Charles L. Leary
140 Trout Point Road
East Kemptville, NS B5A 5X9 Canada
(902) 761-2142

—
Trout Point Lodge of Nova Scotia
www.troutpoint.com
Small Luxury Hotels of the World
online reservations

2 attachments

-  [hr2281.pdf](#)
321K
-  [Trout Point Lodge Ltd v. Handshoe \(2014 NSSC 62\).pdf](#)
626K

Trout Point Lodge <trout.point.lodge@gmail.com>
To: abuse@dreamhost.com

19 February 2014 at 00:03

Thank you for removing the copyrighted images hosted by DreamHost.

Notably, Mr. Handshoe has vowed on Twitter to re-publish them in the near future. We will pursue all our legal rights should this occur. DreamHost is on notice that Mr. Handshoe is a serial copyright violator.

DreamHost has not, however, removed the images that are in-line linked, or embedded, on slabbed.org. These publications are being made in violation of the Canada Copyright Act, as determined by the Supreme Court of Nova Scotia in its February 14, 2014 decision.

We have no particular desire to pursue legal action against DreamHost. However, you are communicating these infringing images into Canada, at the very least in a contributory fashion. You have been put on notice on multiple occasions regarding Mr. Handshoe's illegal activities on the web site hosted by you. Mr. Handshoe has lied to you in numerous DMCA counter notifications.

I am again asking that you disable and/or remove the images on the pages hosted by DreamHost:

The pages on slabbed.org where the images appear are:

<http://www.slabbed.org/2013/03/30/a-day-in-the-life-of-trout-point-lodgers-chuck-and-vaughn/>

<http://www.slabbed.org/2013/12/02/the-heart-of-the-matter-exhibits-f-g/>

<http://www.slabbed.org/2012/01/29/hell-likely-be-remembered-here-for-being-a-part-of-the-gang-that-made-the-times-picayune-eat-its-own-big-toe/>

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Gmail - Court Order re: copyright <https://mail.google.com/mail/u/0/?ui=2&ik=2be9277ecd&view...>

<http://www.slabbed.org/2012/12/04/wash-rinse-repeat-aaron-broussards-former-property-managers-in-canada-again-sue-slabbed-for-defamation-in-nova-scotia/>

Sincerely,

Charles L. Leary

[Quoted text hidden]

2 attachments

 hr2281.pdf
321K

 Trout Point Lodge Ltd v. Handshoe (2014 NSSC 62).pdf
626K

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Gmail - Re: [0-8275000002866] New YouTube Copyright Comp... <https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>



Foodvacation Canada <foodvacation@gmail.com>

Re: [0-8275000002866] New YouTube Copyright Complaint Submission

YouTube <copyright@youtube.com>
To: foodvacation@gmail.com

Wed, Feb 19, 2014 at 12:44 AM



Hi foodvacation@gmail.com,

Thank you for your notification. It appears you have made a claim on behalf of a corporation, but have not written from a corporate email address. In order to prevent fraud, we need to ask you for more information.

Please help us verify that you are affiliated with the corporate entity listed as the copyright owner in your notice. For example, you may forward this message to your corporate email address and then re-forward to copyright@youtube.com, preserving the ticket number in the subject line. Alternatively, you may wish to provide a publicly listed telephone number for your company on which we may contact you directly. If neither of these options is applicable to you, please provide an explanation.

Please understand that the content will remain live on the site until we have received this verification and that abuse of the copyright notification process will result in the termination of your YouTube account. Under DMCA Section 512(f), any person who knowingly materially misrepresents that material or activity is infringing may be liable for damages.

- The YouTube Team

Here is the information you filled in:

Copyright Owner Name (Company Name if applicable): Trout Point Lodge, Limited

Your Full Legal Name (Aliases, usernames or initials not accepted): Charles Leary

Your Title or Job Position (What is your authority to make this complaint?): Director

Address:

189 Trout Point Road

East Kemptville, Nova Scotia B5A5X9

CA

Username: foodvacation@gmail.com

Email Address: foodvacation@gmail.com

Phone: 902-761-2142

URL of allegedly infringing video to be removed: http://www.youtube.com/watch?v=M_pc4bjalno

Describe the work allegedly infringed: My company, organisation or client's artwork

* Title of artwork: Charles Leary & Vaughn Perret with dog

* Type of artwork: Photo

* Where does the content appear? Time stamps: 2:34 to 2:39

Country where copyright applies: CA

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Gmail - Re: [0-827500002866] New YouTube Copyright Comp... <https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>

I, in good faith, state that:

- * I am the owner or an agent authorised to act on behalf of the owner of an exclusive right that has allegedly been infringed.
- * I have a good faith belief that the use of the material in the manner reported by complaint is not authorised by the copyright owner, its agent or the law; and
- * This notification is accurate.
- * I acknowledge that there may be adverse legal consequences for making false or bad-faith allegations of copyright infringement by using this process.
- * I understand that abuse of this tool will result in termination of my YouTube account.

Authorised Signature: Charles Leary

[Help centre](#) • [Email options](#) • [Report spam](#)

©2014 YouTube, LLC 901 Cherry Ave, San Bruno, CA 94066

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Gmail - DMCA notice <https://mail.google.com/mail/u/0/?ui=2&ik=2bc9277ecd&view...>



Trout Point <trout.point.lodge@gmail.com>

DMCA notice

1 message

Trout Point Lodge <trout.point.lodge@gmail.com>
To: abuse@hostgator.com

1 April 2014 at 01:07

I am the owner of the copyright, or authorized agent of the owner of copyright in three creative works subject to infringing publication at www.slabbed.org. Infringing publication is occurring via a derivative work at the following URL:

http://www.slabbed.org/wp-content/uploads/2011/09/trout_point.jpg

This original creative work that is a photograph of Charles Leary and Vaughn Perret is registered with the Intellectual Property Office, Canada, in my name.

That same image is being published without permission at:

<http://www.slabbed.org/wp-content/uploads/2013/03/Frank-Magazine-Story-on-Goatherders-790x1024.jpg>

The above URL is also publishing, without permission, a photograph of Trout Point Lodge belonging to Trout Point Lodge. The image was published with permission at <http://www.canticumhotels.com/sitebuildercontent/sitebuilderpictures/tpl.jpg>

I have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law. I swear, under penalty of perjury, that the information in the notification is accurate and that I am authorized to act on behalf of the owner of an exclusive right that is infringed, or that I am the owner of an exclusive right that is infringed.

Please remove the 2 creative works indicated above from publication on www.slabbed.org.

My name below serves as my digital signature.

Charles Leary
140 Trout Point Road
East Kemptville, NS B5A5X9
Canada
(902) 761-2080

--
Trout Point Lodge of Nova Scotia
www.troutpoint.com
Small Luxury Hotels of the World
online reservations

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Gmail - notice of copyright infringement (Canada Copyright Act) <https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>



Foodvacation Canada <foodvacation@gmail.com>

notice of copyright infringement (Canada Copyright Act)

foodvacation Canada <foodvacation@gmail.com>
To: copyright@amazon.com

Sat, Jan 9, 2016 at 6:43 PM

To: Amazon Web Services

This is a Notice of claimed infringement under the Copyright Act of Canada, which states:

Notice of claimed infringement

- **41.25 (1)** An owner of the copyright in a work or other subject-matter may send a notice of claimed infringement to a person who provides
 - (a) the means, in the course of providing services related to the operation of the Internet or another digital network, of telecommunication through which the electronic location that is the subject of the claim of infringement is connected to the Internet or another digital network;
 - (b) for the purpose set out in subsection 31.1(4), the digital memory that is used for the electronic location to which the claim of infringement relates; or
 - (c) an information location tool as defined in subsection 41.27(5)

On information and belief, Amazon Web Services hosts slabbed.org. Amazon Web Services also does business in Canada.

I am the owner of the photographic work located at: <http://www.slabbed.org/wp-content/uploads/2011/09/leary-perret.jpg?w=300> and <http://slabbed.org/wp-content/uploads/2011/09/leary-perret1.jpg>. This work is registered with the Canada Intellectual Property Office.

I have a judgment from Nova Scotia Supreme Court declaring its ownership of the work, and that the use on slabbed.org is infringing. slabbed.org serially infringes copyrighted works. The U.S. District Court for the Southern District of Mississippi has just found that slabbed.org has hosted another copyrighted work without permission. That court found that the publisher of slabbed.org, Douglas Handshoe, "posted the image without permission of the copyright owner or his agent." That court dismissed Mr. Handshoe's lawsuit against the copyright owner's agent for misrepresentation under 17 USC 512(f) with prejudice, stating the court "does not find that Plaintiff has sufficiently pleaded a misrepresentation under § 512(f)."

The use of this image at the two URLs indicated above is not authorized by me, the copyright owner, or the law; under penalty of perjury the above information is true and I am the copyright owner.

Below is my electronic signature.

Charles Leary, Secretary, Trout Point Lodge, Limited
189 Trout Point Road
E. Kemptville, NS B5A 5X9
902-482-8360
troutpoint@foodvacation.com

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Gmail - Your Amazon.com Inquiry https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...



Foodvacation Canada <foodvacation@gmail.com>

Your Amazon.com Inquiry

copyright@amazon.com <copyright@amazon.com>

Mon, Jan 11, 2016 at 12:34 PM

Reply-To: "copyright+AVRSORFYJQGT4@amazon.com" <copyright+AVRSORFYJQGT4@amazon.com>

To: "foodvacation@gmail.com" <foodvacation@gmail.com>

Hello,

We respect the intellectual property of others and require that sellers posting on our site do the same. If you believe that an item offered on our site violates your intellectual property rights, please submit your complaint using our online form (<https://www.amazon.com/gp/help/reports/infringement>).

Thank you for your interest in Amazon.com.

Regards,

Copyright Team

Amazon.com

<http://www.amazon.com>

From: foodvacation@gmail.com

Sent: Saturday, January 9, 2016 9:43 AM (PST)

Subject: notice of copyright infringement (Canada Copyright Act)

To: Amazon Web Services

This is a Notice of claimed infringement under the Copyright Act of Canada, which states:

Notice of claimed infringement

41.25 (1) An owner of the copyright in a work or other subject-matter may send a notice of claimed infringement to a person who provides

(a) the means, in the course of providing services related to the operation of the Internet or another digital network, of telecommunication

through which the electronic location that is the subject of the claim of infringement is connected to the Internet or another digital network;

(b) for the purpose set out in subsection 31.1(4), the digital memory that is used for the electronic location to which the claim of infringement relates; or

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Gmail - Your Amazon.com Inquiry <https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>

(c) an information location tool as defined in subsection 41.27(5)

On information and belief, Amazon Web Services hosts slabbed.org. Amazon Web Services also does business in Canada.

I am the owner of the photographic work located at:
<http://www.slabbed.org/wp-content/uploads/2011/09/leary-perret.jpg?w=300> and
<<http://www.slabbed.org/wp-content/uploads/2011/09/leary-perret.jpg?w=300>>* and
<http://slabbed.org/wp-content/uploads/2011/09/leary-perret1.jpg>. This work is registered with the Canada Intellectual Property Office.

I have a judgment from Nova Scotia Supreme Court declaring its ownership of the work, and that the use on slabbed.org is infringing. slabbed.org serially infringes copyrighted works. The U.S. District Court for the Southern District of Mississippi has just found that slabbed.org has hosted another copyrighted work without permission. That court found that the publisher of slabbed.org, Douglas Handshoe, "posted the image without permission of the copyright owner or his agent." That court dismissed Mr. Handshoe's lawsuit against the copyright owner's agent for misrepresentation under 17 USC 512(f) with prejudice, stating the court "does not find that Plaintiff has sufficiently pleaded a misrepresentation under § 512(f)."

The use of this image at the two URLs indicated above is not authorized by me, the copyright owner, or the law; under penalty of perjury the above information is true and I am the copyright owner.

Below is my electronic signature.

Charles Leary, Secretary, Trout Point Lodge, Limited
189 Trout Point Road
E. Kemptville, NS B5A 5X9
902-482-8360
troutpoint@foodvacation.com

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Gmail - RE: copy of court orders <https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>



Foodvacation Canada <foodvacation@gmail.com>

RE: copy of court orders

7 messages

Amazon.com Copyright Agent <copyright@amazon.com>
Reply-To: copyright+AF3KPIPBYRCVB@amazon.com
To: foodvacation@gmail.com

Tue, Jan 26, 2016 at 10:22 PM

Dear Trout Point Lodge,

Thank you for your email. This matter has already been reported under a separate matter and assigned Amazon EC2 Abuse Report 17352696474. The content at issue has been removed and a valid DMCA counter notice obtained and forwarded along. As the matter at hand has been remanded to the trial court for further consideration, no current judgment on the matter has been made. Please feel free to resubmit the issue if, and when, a ruling in your favor has been obtained.

Regards,

Chad Bundy

Copyright/Trademark Agent
Amazon.com

--- Original message: ---

AWS hosts slabbed.org

Source IPs: 54.200.139.248
Abuse Time: 2016-01-18 21:42:00.0

This blog is publishing defamatory material in violation of a Court Order from the Supreme Court of Nova Scotia containing both mandatory and permanent injunctions (see attached Court Order).

In addition, the Louisiana Fifth Circuit Court of Appeal has found that the blog has published a pornographic drawing involving a minor child (see attached court decision).

This user publishes material in violation of the AWS Terms of Service, and you have already been put on notice of continuing infringing publication of copyrighted materials.

Legal Department
Trout Point Lodge, Limited

foodvacation Canada <foodvacation@gmail.com>
To: copyright+AF3KPIPBYRCVB@amazon.com

Tue, Jan 26, 2016 at 10:56 PM

Dear Chad:

Thank you for your email.

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Gmail - RE: copy of court orders
<https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>

There are multiple instances of infringement, each of which has been separately reported to Amazon with notices of claimed infringement. We have yet to receive any response to all but one notice.

Some information contained in your email is incorrect, as, first, most infringing content has not been removed and is readily accessible; and, second, we have a final judgment from Nova Scotia Supreme Court regarding copyright infringement and defamation. If the client of AWS has told you the material is inaccessible, this is incorrect. DMCA protections for service providers do not have effect in Canada, and in addition, AWS has failed to provide a timely response to notices if one were to use the DMCA's provisions. Copyright, as I'm sure you are aware, is also the subject of international agreement and treaties between the United States and Canada.

After we informed you that content was accessible at http://slabbed.org/wp-content/uploads/2012/01/DMCA_SUSPENSE/ that content has temporarily been removed from that location. However, multiple instances of other material infringing registered copyrights still exists on your servers. If you need me to re-send notifications, please let me know. Amazon's response to these has thus far been non-existent.

The issue of the distinct ongoing defamation case in Louisiana relating to slabbed.org and Douglas Handshoe was brought to your attention so that Amazon would know exactly who and what type of blog you are hosting. There is significant fact finding in the decision of the 5th Circuit Court of Appeal, and under Louisiana's anti-SLAPP legislation, fact finding on special motions to strike is binding with respect to future litigation. You can consult La. CCP Art. 971 and relevant case law. The finding regarding "pornography" being distributed on Slabbed was made by that Court *sua sponte*.

In our case, an injunction order issued by Nova Scotia Supreme Court is in existence, and binding, unless AWS has stopped doing business in Canada and Nova Scotia, and slabbed.org is not being downloaded in Nova Scotia or Canada from your servers. From what we can tell, AWS does significant business and has operations in Canada.

We will pursue legal redress, including avenues provided by NAFTA, the Berne Convention, and action in Canadian courts, but have no desire to resort to costly litigation. We have in a reasonable and detailed fashion made Amazon and AWS aware of materials infringing copyright on your servers, as well as the existence of valid injunctions relating to the slabbed blog and Douglas Handshoe. We have provided a copy of the Court Order. The decision regarding copyright infringement is attached. We expect an adequate response from Amazon, and a resolution to this matter.

I would be happy to provide any additional facts you might need.

Sincerely,

Charles Leary
Trout Point Lodge, Limited

[Quoted text hidden]

 Trout Point Lodge Ltd v. Handshoe (2014 NSSC 62).pdf
626K

foodvacation Canada <foodvacation@gmail.com>
To: aws-abuseteam@amazon.com

Tue, Jan 26, 2016 at 11:29 PM

Re: DMCA Case 17352696474
[Quoted text hidden]

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<https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>

 Trout Point Lodge Ltd v. Handshoe (2014 NSSC 62).pdf
 626K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
 To: foodvacation@gmail.com

Tue, Jan 26, 2016 at 11:29 PM

Delivery to the following recipient failed permanently:

aws-abuseteam@amazon.com

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the server for the recipient domain amazon.com by amazon-smtp.amazon.com. [207.171.184.29].

The error that the other server returned was:

550 #5.1.0 Address rejected.

----- Original message -----

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
 d=gmail.com; s=20120113;
 h=mime-version:in-reply-to:references:date:message-id:subject:from:to
 :content-type;
 bh=wm2LlhLoakRIVWbUMvBtGNA5SM44VPAAsQiVigsyny7M=;
 b=fQ1fWg+Y0gX2V6LrxauKY1SV81aL7J03sliETjQQqwAmnPtAkLM4Ujj+nOE71s7Esf
 LavmLmDizlEAFApJUXgWzEFOEbCod8LT AeBV2owPV8R4ha2ZTDw2WPdrpBTPgtfkCl+
 y9Hr13XV+E4L375ZSIkw61VIAhKVt345XLFfrWFVnitn+oB6e/aNQVs sqCjRYM1IEBAq
 aZGijUEoJ/e7PRtKWCajmHO49+Yp+EyQwcm9NgUsp0AbkATYCt5P91XMyRF5JmBZC5Ng
 8edh7L0vR9C83WgPkzUfsws3PVKzBQeB/uHy2AqGZ8ThaBbV3CpiwZGDAMnwk3/PaQZB
 MGdg==
 X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
 d=1e100.net; s=20130820;
 h=x-gm-message-state:mime-version:in-reply-to:references:date
 :message-id:subject:from:to:content-type;
 bh=wm2LlhLoakRIVWbUMvBtGNA5SM44VPAAsQiVigsyny7M=;
 b=LnP/Nlk7k2iojOli4nbEYNZloLxVppL8rbJx1XvB1/jEDlljx87WKD/mNYQ0q4YEK
 YzDKuBSV4xodzJu2AqUNeXaZ1ufNRhRIWDAgAhuoxdgwtryKQ55ur/v+CqKtNmZ6dSOi
 p6sQKIYv2Mg6+dBPddEm3yS9u44jOb5JNs1i1pmBCj1BXNnKb32k0zVkJ9bNbhdJ6JG3
 X20PF1wlwO/QqQQQ0DOyhDvf3mfnXhgltz6xhwHS0X8jAuUleayK5BzwAotJMBhVepz6
 x/AQvltPtXRInqG3pZGwMVRO8XYC0FkRYvc1x814goCZz83KRDwnqqrgRgyLggHSG553
 A5XQ==
 X-Gm-Message-State: AG10YOQjNkXqRREaJ6N3YN20mWGi6AnQVFrEj9FMw5790rNckA4DbgMc5EP
 cJK2RpnfB5pdLj/CkeLSali/nw==
 MIME-Version: 1.0
 X-Received: by 10.50.112.234 with SMTP id it10mr4046400igb.14.1453847393713;
 Tue, 26 Jan 2016 14:29:53 -0800 (PST)
 Received: by 10.79.25.9 with HTTP; Tue, 26 Jan 2016 14:29:53 -0800 (PST)
 In-Reply-To: <CAM3OQg=34pt8YOQbBrBGGMR07w4L8Oxvp_PERapd7SC-1h7=QQ@mail.gmail.com>
 References: <000001527fd13063-75ce0ff0-49fc-473c-a458-6ab83cafca41-000000@email.amazonaws.com>
 <CAM3OQg=34pt8YOQbBrBGGMR07w4L8Oxvp_PERapd7SC-1h7=QQ@mail.gmail.com>
 Date: Tue, 26 Jan 2016 23:29:53 +0100
 Message-ID: <CAM3OQgnZj1+=i_gHhnsE=FbDrbnZe-yP8uSbBbeuSESgjW6bpQ@mail.gmail.com>

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Gmail - RE: copy of court orders <https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>

Subject: Fwd: copy of court orders
From: foodvacation Canada <foodvacation@gmail.com>
To: aws-abuseteam@amazon.com
Content-Type: multipart/mixed; boundary=089e01184bf4769f5b052a4439f3
[Quoted text hidden]
----- Message truncated -----

foodvacation Canada <foodvacation@gmail.com>
To: aws-abuseteam@amazon.com

Tue, Jan 26, 2016 at 11:31 PM

----- Forwarded message -----
From: foodvacation Canada <foodvacation@gmail.com>
[Quoted text hidden]

 Trout Point Lodge Ltd v. Handshoe (2014 NSSC 62).pdf
626K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: foodvacation@gmail.com

Tue, Jan 26, 2016 at 11:31 PM

Delivery to the following recipient failed permanently:

aws-abuseteam@amazon.com

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the server for the recipient domain amazon.com by amazon-smtp.amazon.com. [52.95.49.90].

The error that the other server returned was:

550 #5.1.0 Address rejected.

----- Original message -----

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=gmail.com; s=20120113;
h=mime-version:in-reply-to:references:date:message-id:subject:from:to
:content-type;
bh=BiFzIfF81c6t0l1xZFtwSkFBiq5cSKWolqkQC9DtZbU=;
b=RrwOkgV8l1ZWeXqzdiooqayqodaeRwu/29FENihwvZIU2f8+m0dTHs6265ycgjDF8j
ehO2YIM5ukqPDFsG+yQ7hcCbkeLA8PDb5oAK2L6/owqJ8WWr27JZNDgTW+PXAN7PQpHI
dXQk5ybeaMO7KZoJEIzL4t3A/xl3oH4S2m/6tkusV1tOpV+i3+7iWIXdk00v8tOxFUx
Q7KZYFCDPdFIHZnHEDU7aVv8tyZQVmDq+JKzSwuYOq0ztnBeKTEEcCbvbEkyUPBdz+zU
ajwBz4lehuduTewZtY+7KwDGpOGytwJuR+BOedFwBUkcvRqOQp05Rn4XSoPs1L09y80x
eyzg==
X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=1e100.net; s=20130820;
h=x-gm-message-state:mime-version:in-reply-to:references:date
:message-id:subject:from:to:content-type;
bh=BiFzIfF81c6t0l1xZFtwSkFBiq5cSKWolqkQC9DtZbU=;

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Gmail - RE: copy of court orders

<https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>

b=ijP0T+6EQqE9EeyNI4LvX4Ds4uQ1GGappWK8w/cIBQPZvA4fp7WYG1h6WhblsZDJU6
qINie7ayBqPqagoIOAPC4kOiNusHCjKQqnqCTfljqgI1Py3ArOtjuWkWdVGxff9bNXAr
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ttgdJ1tKh8EEPfagPALINozATX9qh5MAG3pG0JWtCZlq3VFMJD3+FRLqttbyLStNkVtQ
WqrnlYDCZWc1IPNpEbUqsM7AiVz9kZrN/AedUxqaoRh+jRiwvl+LZlj/02WWQ6mtlEAq
WStQ==
X-Gm-Message-State: AG10YOSTiuCZ2ylayrOUjdbLYDyqZLCq/LWs45Bib+
9gMCynL2I4yKngLSKwuk0aGM+RsyNbwnGNj6Lm6f0ZA==
MIME-Version: 1.0
X-Received: by 10.50.171.130 with SMTP id au2mr26424064igc.43.1453847465172;
Tue, 26 Jan 2016 14:31:05 -0800 (PST)
Received: by 10.79.25.9 with HTTP; Tue, 26 Jan 2016 14:31:04 -0800 (PST)
In-Reply-To: <CAM3OQgnZj1+=i_gHhnsE=FbDrbnZe-yP8uSbBbeuSEsgjW6bpQ@mail.gmail.com>
References: <000001527fd13063-75ce0ff0-49fc-473c-a458-6ab83cafca41-000000@email.amazonses.com>
<CAM3OQg=34pt8YOQbBrBGGmR07w4L8Oxvp_PERapd7SC-1h7=QQ@mail.gmail.com>
<CAM3OQgnZj1+=i_gHhnsE=FbDrbnZe-yP8uSbBbeuSEsgjW6bpQ@mail.gmail.com>
Date: Tue, 26 Jan 2016 23:31:04 +0100
Message-ID: <CAM3OQgk1ZQW8QeN8AW09keWWY8m5CQg_q9nY-EVFZ-t8=dyT=A@mail.gmail.com>
Subject: Fwd: copy of court orders
From: foodvacation Canada <foodvacation@gmail.com>
To: aws-abuseteam@amazon.com
Content-Type: multipart/mixed; boundary=047d7b6da60eb8f1d6052a443d88
[Quoted text hidden]
----- Message truncated -----

Amazon.com Copyright Agent <copyright@amazon.com>
Reply-To: copyright+A3PGH2LCVV6K3J@amazon.com
To: foodvacation@gmail.com

Wed, Jan 27, 2016 at 8:30 PM

Dear Charles,

Thank you for your reply. As there have been numerous emails from you from multiple email addresses, if you could please provide a comprehensive list of the URLs you claim to be infringing we will move to action those not already processed. Please provide the comprehensive list in proper DMCA format which requires the inclusion of the following:

- * A description of the copyrighted work that you claim has been infringed upon;
- * A description of where the material that you claim is infringing is located on the Site;
- * Your address, telephone number, and e-mail address;
- * A statement by you that you have a good-faith belief that the disputed use is not authorized by the copyright owner, its agent, or the law;
- * A statement by you, made under penalty of perjury, that the above information in your notice is accurate and that you are the copyright owner or authorized to act on the copyright owner's behalf.

The following content has already been received and processed under the DMCA for which we received the previously provided counter notice:

<http://slabbed.org/2012/12/04/wash-rinse-repeat-aaron-broussards-former-property-managers-in-canada-again-sue-slabbed-for-defamation-in-nova-scotia/>
<http://slabbed.org/wp-content/uploads/2012/01/trout-point-lodge-350x198.jpg%2C>
<http://slabbed.org/wp-content/uploads/2012/01/trout-point-lodge-300x199.jpg%2C>

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Gmail - RE: copy of court orders <https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>

<http://slabbed.org/wp-content/uploads/2012/01/trout-point-lodge.jpg>

With regard to the above content, we will allow this material to be accessible 10 business days after the counter notice was provided to you, unless you provide us with notice that a copyright infringement lawsuit relating to the identified content has been filed against our customer.

As you noted, it does appear that the content referenced at: http://slabbed.org/wp-content/uploads/2012/01/DMCA_SUSPENSE/ is no longer accessible.

With regard to your claims of defamation, as previously noted, if and when a judgment or settlement in your favor has been obtained in your pending litigation in Louisiana, please provide and we will take appropriate action.

Kindest Regards,

Chad Bundy

Copyright/Trademark Agent
Amazon.com

— Original message: ----

Dear Chad:

Thank you for your email.

There are multiple instances of infringement, each of which has been separately reported to Amazon with notices of claimed infringement. We have yet to receive any response to all but one notice.

Some information contained in your email is incorrect, as, first, most infringing content has not been removed and is readily accessible; and, second, we have a final judgment from Nova Scotia Supreme Court regarding copyright infringement and defamation. If the client of AWS has told you the material is inaccessible, this is incorrect. DMCA protections for service providers do not have effect in Canada, and in addition, AWS has failed to provide a timely response to notices if one were to use the DMCA's provisions. Copyright, as I'm sure you are aware, is also the subject of international agreement and treaties between the United States and Canada.

After we informed you that content was accessible at http://slabbed.org/wp-content/uploads/2012/01/DMCA_SUSPENSE/ that content has temporarily been removed from that location. However, multiple instances of other material infringing registered copyrights still exists on your servers. If you need me to re-send notifications, please let me know. Amazon's response to these has thus far been non-existent.

The issue of the distinct ongoing defamation case in Louisiana relating to slabbed.org and Douglas Handshoe was brought to your attention so that Amazon would know exactly who and what type of blog you are hosting. There is significant fact finding in the decision of the 5th Circuit Court of Appeal, and under Louisiana's anti-SLAPP legislation, fact finding on special motions to strike is binding with respect to future litigation. You can consult La. CCP Art. 971 and relevant case law. The finding regarding

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Gmail - RE: copy of court orders
<https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>

"pornography" being distributed on Slabbed was made by that Court *sua sponte*.

In our case, an injunction order issued by Nova Scotia Supreme Court is in existence, and binding, unless AWS has stopped doing business in Canada and Nova Scotia, and slabbed.org is not being downloaded in Nova Scotia or Canada from your servers. From what we can tell, AWS does significant business and has operations in Canada.

We will pursue legal redress, including avenues provided by NAFTA, the Berne Convention, and action in Canadian courts, but have no desire to resort to costly litigation. We have in a reasonable and detailed fashion made Amazon and AWS aware of materials infringing copyright on your servers, as well as the existence of valid injunctions relating to the slabbed blog and Douglas Handshoe. We have provided a copy of the Court Order. The decision regarding copyright infringement is attached. We expect an adequate response from Amazon, and a resolution to this matter.

I would be happy to provide any additional facts you might need.

Sincerely,

Charles Leary
Trout Point Lodge, Limited

On Tue, Jan 26, 2016 at 10:22 PM, Amazon.com Copyright Agent <
copyright@amazon.com> wrote:

> Dear Trout Point Lodge,
>
> Thank you for your email. This matter has already been reported under a
> separate matter and assigned Amazon EC2 Abuse Report 17352696474. The
> content at issue has been removed and a valid DMCA counter notice obtained
> and forwarded along. As the matter at hand has been remanded to the trial
> court for further consideration, no current judgment on the matter has been
> made. Please feel free to resubmit the issue if, and when, a ruling in
> your favor has been obtained.
>
> Regards,
>
> Chad Bundy
>
> Copyright/Trademark Agent
> Amazon.com
>
> --- Original message: ----
>
> AWS hosts slabbed.org
>
> Source IPs: 54.200.139.248
> Abuse Time: 2016-01-18 21:42:00.0
>
> This blog is publishing defamatory material in violation of a Court Order

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Gmail - RE: copy of court orders
<https://mail.google.com/mail/u/1/?ui=2&ik=9095a0cc87&view...>

> from the Supreme Court of Nova Scotia containing both mandatory and
> permanent injunctions (see attached Court Order).
>
> In addition, the Louisiana Fifth Circuit Court of Appeal has found that the
> blog has published a pornographic drawing involving a minor child (see
> attached court decision).
>
> This user publishes material in violation of the AWS Terms of Service, and
> you have already been put on notice of continuing infringing publication of
> copyrighted materials.
>
> Legal Department
> Trout Point Lodge, Limited
>